

58-57-7 Exemptions from licensure.

- (1)
- (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
 - (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
 - (i) a practitioner;
 - (ii) a respiratory therapist;
 - (iii) a Diplomate of the American Board of Sleep Medicine; or
 - (iv) a registered polysomnographic technologist.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
- (a) any person who provides gratuitous care for a member of his immediate family without representing himself as a licensed respiratory care practitioner;
 - (b) any person who is a licensed or qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the person does not represent himself as a respiratory care practitioner;
 - (c) any person who serves in the Armed Forces of the United States or any other agency of the federal government and is engaged in the performance of his official duties;
 - (d) any person who acts under a certification issued pursuant to Title 26, Chapter 8a, Utah Emergency Medical Services System Act, while providing emergency medical services;
 - (e) any person who delivers, installs, or maintains respiratory related durable medical equipment and who gives instructions regarding the use of that equipment in accordance with Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical evaluation or treatment of the patient;
 - (f) any person who is working in a practitioner's office, acting under supervision; and
 - (g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:
 - (i) oxygen titration; and
 - (ii) positive airway pressure that does not include mechanical ventilation.
- (3) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

Amended by Chapter 340, 2011 General Session